

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

EMG TECHNOLOGY, LLC,  
Plaintiff,

v.

APPLE INC.,  
AMERICAN AIRLINES, INC.,  
DELL, INC.,  
HYATT CORPORATION,  
MARRIOTT INTERNATIONAL, INC., &  
BARNES & NOBLE, INC.,

Defendants.

Case No. 6:08-cv-447-LED

**JURY TRIAL DEMANDED**

**AGREED MOTION TO MODIFY THE DOCKET CONTROL ORDER**

The Court's July 20, 2009 Docket Control Order states that Defendants shall comply with P.R. 3-3 and P.R. 3-4 by August 21, 2009. (Dkt. #100). The Court has subsequently granted motions so that defendants Apple Inc. ("Apple") and American Airlines, Inc. ("American") must now comply with P.R. 3-3 and P.R. 3-4 by December 11, 2009. (*See* Dkt. #177.) Plaintiff EMG Technology, LLC ("EMG") and defendants Apple and American have met and conferred and agreed that it is in each of their interests to further extend the date by which defendants Apple and American must comply with P.R. 3-3 and P.R. 3-4 until December 18, 2009.

Accordingly, plaintiff EMG and defendants Apple and American respectfully request that the Court modify the Docket Control Order so that the date by which defendants Apple and American must comply with P.R. 3-3 and P.R. 3-4 is extended from December 11, 2009 to December 18, 2009.

Dated: December 8, 2009

By: /s/ Charles Ainsworth with permission by  
John R. Lane

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Respectfully Submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record, who are deemed to have consented to electronic service, are being served this 8th day of December, 2009, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Stacci H. Mahadeo

Stacci H. Mahadeo